

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Del Prado Pavon et al.

Examiner: Kathy Wang-Hurst

Serial No: 10/598,647

Group Art Unit: 2617

Filed: September 7, 2006

Docket: US040143

Confirmation No.: 8490

For: System and Method to Enable WUSB Applications in a Distributed
UWB MAC

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

In addition to the arguments presented in the Appeal Brief filed on January 29, 2010, and in response to the Examiner's Answer dated April 13, 2010, Appellants submit the following reply.

REMARKS

This Reply Brief is in response to the Examiner's Answer dated April 13, 2010. Reconsideration of this application is respectfully requested in view of the following remarks and all of the arguments in the appeal brief of January 29, 2010 and prior responses.

STATUS OF CLAIMS

- a) Claims 1, 3, 4, 6 – 15, 17, 20, 21, 23 – 30, 32, 33, 35 – 38, 40, 41, 43 and 45 are pending. Claims 1, 20, 28, 36 and 41 are independent.
- b) Claims 1, 3, 4, 6 – 15, 17, 20, 21, 23 – 30, 32, 33, 35 – 38, 40, 41, 43 and 45 stand rejected and are under appeal.
- c) Claims 2, 5, 16, 18, 19, 22, 31, 34, 39, 42 and 44 are cancelled without prejudice.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 1, 6, 14, 15, 20, 28, 35, 36, 40 and 45 are properly rejected under 35 U.S.C. §103(a) over Young (US 2005/0169292) in view of Choi (US 2004/0264428).
- B. Whether claims 4, 7 – 10, 12, 21, 24, 25, 33, 37, 38, 41 and 43 are properly rejected under 35 U.S.C. §103(a) over Young, in view of Choi, further in view of Gu et al. (US 2005/0052995), hereinafter Gu.

C. Whether claims 3, 13, 23, 26, 27, 29, 30 and 32 are properly rejected under 35 U.S.C. §103(a) over Young, in view of Choi, and further in view of IEEE Std 802.15.3-2003, hereinafter IEEE.

ARGUMENT IN RESPONSE TO THE EXAMINER'S ANSWER

The Examiner responds to Appellant's remarks starting on page 11 of the Examiner's answer. Appellant respectfully disagrees to the Examiner's comments for at least the following reasons.

For example, claim 1, in part, requires:

"beaconing according to a distributed Ultra WideBand Medium Access Control (UWB MAC) protocol by the host and the at least one connected device."
(Emphasis added)

In the Examiner's Answer, page 11, the Examiner asserted that Young discusses an analogous host-device communication network that is applicable to any protocol as long as the mechanisms of the network are the same or similar to that of IEEE 802.15.3 and that UWB falls under that category. In the Examiner's Answer, page 14, the Examiner stated that by simply repeating the well known steps of operating a network, but merely using a slightly newer protocol is not patentable. Appellants respectfully submit that although Young, paragraph [0026], discloses the IEEE 802.15.3 standard, Young does not teach or suggest the distributed Ultra WideBand Medium Access Control protocol. Furthermore, as disclosed by Young, paragraph [0004], the wireless systems involved are based on a centralized topology, which is not analogous to communication networks that are based on distributed topology. Appellants submit that

distributed and centralized topologies clearly operate under different network mechanisms, and thus, the steps of operating the respective networks are not the same. Therefore, the centralized protocol used in Young is clearly not equivalent to the distributed UWB MAC protocol.

In addition, Appellants maintain that the distributed Ultra WideBand Medium Access Control protocol does not fall in the IEEE 802.15.3 standard. Appellants respectfully submit that, contrary to the Examiner's assertion, the cover page of the document "MBOA Wireless Medium Access Control Specification for High Rate Wireless Personal Area Networks, Technical Specification, Draft 0.5, April 2004" does not contain any reference to the IEEE standard 802.15.3. In the Examiner's Answer, page 13, the Examiner stated that the document "MBOA Wireless Medium Access Control Specification for High Rate Wireless Personal Area Networks, Technical Specification, Draft 0.5, April 2004" was not provided to the Examiner. Appellants hereby attach the document for Examiner's reference.

Thus, for at least the above reasons, Appellants submit that Young fails to teach or suggest the above claimed feature: beaconing according to a distributed Ultra WideBand Medium Access Control (UWB MAC) protocol by the host and the at least one connected device.

CONCLUSION

As discussed above, the combination of references is woefully deficient in teaching each and every feature of Appellants' claims and Appellants respectfully submit that the rejection of claims 1, 3, 4, 6 – 15, 17, 20, 21, 23 – 30, 32, 33, 35 – 38, 40, 41, 43 and 45 is in error, legally and factually, and must be reversed.

Respectfully submitted,

By: /Hay Yeung Cheung/
Hay Yeung Cheung
Reg. No. 56,666
Myers Wolin, LLC

Please direct all correspondence to:

Corporate Counsel
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001